

October 16, 2002

Ms. Marianne Lamont Horinko  
Assistant Administrator  
Office of Solid Waste and Emergency Response (5101)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Ms. Horinko:

The purpose of this letter is to convey the endorsement of the Board of Directors of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) for the final version of the RCRA Vision Paper. ASTSWMO appreciates being included throughout the development process, and we congratulate EPA on the completion of this important concept.

ASTSWMO's Board of Directors endorsed the initial draft paper as a suitable vehicle for public dialogue last year. With the successful conclusion of that outreach and the completion of the final Vision Paper outlining a future path to hazardous materials management, the Board of Directors thinks we have reached a major milestone where the conceptual work is complete, and it is time to begin a program of implementation. Consequently, we wish to go on record endorsing the document, and concurrently recommending that EPA now commit itself to achieving national acceptance and implementation.

While we don't think the transition can be achieved in the near term, we believe the Agency should take this opportunity to commit people and resources to a deliberate process of implementation. We want to continue to work with you in that process. While we do not wish to prejudge what needs to be included, we are prepared to suggest some initial steps to illustrate our recommendation. We think it will be necessary to:

- ▶ Determine at least a ten-year path, integrated into the EPA's strategic planning and budgetary process, that will allow an iterative and orderly transition.
- ▶ Institutionalize a dedicated staff function within OSWER that will determine the feasibility and methodology for implementation.

- ▶ Determine the statutes and related regulations that must be changed in order to transition to a materials management system in an orderly manner.
- ▶ Determine the sequence of consultations with Congress, industry, and other stakeholders that will be necessary to build the consensus required to draft new legislation, hold hearings, and move toward enactment.

In sum, EPA should begin to move to a timetable and finite steps to transition from concept to reality. Quite candidly, we think even these initial steps will take a period of several years if they are properly paced with the parallel steps of building consensus among all of the interested parties and stakeholders as the work progresses. Each constituency has its own concerns and skepticism about the agenda of others. On our part, State waste managers think that the bottom line will always remain protection of human health and the environment, that there will always be some wastes that must be safely managed, and that there must be alternative levels of management criteria and operating transparency required of the regulated community to ensure that level of protectiveness. Some of the regulated community view this concept as an expansion of RCRA into areas not now addressed by that statute. Some citizens are concerned that with the transition to a materials management program, all the protective statutory structure carefully constructed over the last thirty years will be undermined. The most common characteristic in the process so far has been that of an absence of trust, so the steps toward implementation must be paced to allow incremental progress in achieving the level of trust necessary to debate and reach the level of consensus necessary to make materials management work.

The organizations that developed the RCRA Vision Plan have begun the process, but many of the incumbents will probably not see its completion in their current positions. That is the nature of fundamental but orderly change. We want thank you and the members of the Office of Solid Waste and OSWER, both past and present, who explored many futures options, identified the conceptual thread of materials management as the most likely path forward, and subsequently worked so hard to put form to the concept and take it through a thorough public dialogue. We look forward to continuing to work with you as your co-implementers in this pioneering effort to shape the future.

Sincerely,

/s/ Mark F. Giesfeldt

Mark F. Giesfeldt  
President, ASTSWMO

cc: Mike Shapiro, Chair, RCRA Vision Steering Committee  
Renee Cipriano, Chair, ECOS Waste Committee